

SECOND REGULAR SESSION

HOUSE BILL NO. 1668

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ALLEN (Sponsor),
FLANIGAN AND LICHTENEGGER (Co-sponsors).

4884L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 376.2004 and 376.2010, RSMo, and to enact in lieu thereof three new sections relating to licensure of health insurance navigators, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 376.2004 and 376.2010, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 376.2004, 376.2009, and 376.2010, to read as follows:

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the director shall find that the individual:

- (1) Is eighteen years of age or older;
- (2) Resides in this state or maintains his or her principal place of business in the state;
- (3) **Has received a high school diploma or general equivalency diploma;**
- (4) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;
- ~~[(4)]~~ (5) Has successfully passed the written examination prescribed by the director;
- (6) **Successfully completes all federally required training programs;**
- (7) **Submits two full sets of fingerprints to the state highway patrol for the purpose of obtaining a state and federal criminal records check under section 43.540 and Public**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **Law 92-554. The department shall not issue a license if such person has been convicted of**
16 **a felony offense or a misdemeanor offense involving fraud or dishonesty;**

17 ~~[(5)]~~ **(8)** When applicable, has the written consent of the director under 18 U.S.C. 1033
18 or any successor statute regulating crimes by or affecting persons engaged in the business of
19 insurance whose activities affect interstate commerce;

20 ~~[(6)]~~ **(9)** Has identified the entity with which he or she is affiliated and supervised; and

21 ~~[(7)]~~ **(10)** Has paid the fees prescribed by the director.

22 2. An entity that acts as a navigator, supervises the activities of individual navigators,
23 or receives funding to perform such activities shall obtain a navigator entity license. An entity
24 applying for an entity navigator license shall make application on a form containing the
25 information prescribed by the director.

26 3. The director may require any documents deemed necessary to verify the information
27 contained in an application submitted in accordance with subsections 1 and 2 of this section.

28 4. Entities licensed as navigators shall, in a manner prescribed by the director, provide
29 a list of all individual navigators that are employed by or in any manner affiliated with the
30 navigator entity and shall report any changes in employment or affiliation within twenty days of
31 such change.

32 5. Prior to any exchange becoming operational in this state, the director shall prescribe
33 initial training, continuing education, and written examination standards and requirements for
34 navigators.

376.2009. 1. Any organization or entity employing or supervising a navigator shall
2 **report any event that results in the unauthorized release of a consumer's personally**
3 **identifiable information to the department. Such organization or entity shall attempt to**
4 **report such unauthorized release of personally identifiable information to the affected**
5 **individual whose personal information was released within twenty-four hours after**
6 **discovering the breach. The department shall submit a report on or before February first**
7 **of each year to the general assembly detailing the number of breaches reported to the**
8 **department in the immediately preceding calendar year under this subsection and the**
9 **circumstances of each breach.**

10 2. Notwithstanding any other provision of law, a navigator shall not sell, solicit, or
11 negotiate insurance for any class or classes of insurance when assisting individuals with
12 enrollment or any other navigator activities or duties through any health care exchange
13 established or operating, including any exchange established or operated by the United
14 States Department of Health and Human Services.

15 3. The department shall make available to the public on the department's website
16 a complete list of all currently licensed navigators.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation, or any combination of actions[,] :

(1) If the applicant or licensee is charged with a felony offense;

(2) If the applicant or licensee is charged with a misdemeanor offense involving fraud or dishonesty;

(3) The department receives credible reports that the applicant or licensee has provided false or fraudulent information to consumers; or

(4) The applicant or licensee engages in intentional or negligent conduct that results in the release of a consumer's personally identifiable information; or

(5) For any one or more of the causes listed in section 375.141, 375.936 or for other good cause.

In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

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